THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.16905 of 2005

02-08-2005

Between:

Masanna, E-47273, Station Manager, Mahaboobnagar Depot, S/o Narsappa, 57 years, r/o Mahaboobnagar, Mahaboobnagar District.

... PETITONER

AND

1.APSRTC rep. By its Regional Manager, Mahaboobnagar Region, Mahaboobnagar and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.16905 of 2005

ORDER:

This writ petition is filed aggrieved by the impugned order passed by the third respondent, dated 22.07.2005, under which, the third respondent has ordered for recovery of a sum of Rs.65,893/- being the value of the tools and plants not handed over by the petitioner to the authority concerned.

It is stated that the petitioner was charge sheeted for the alleged shortage of tools and plants, and was called upon to submit his explanation. Accordingly, the petitioner submitted his explanation disputing the charges. Thereafter, instead of conducting a regular enquiry, a show cause notice dated 03.03.2005 was issued proposing to recover a sum of Rs.65,893/-, for which, the petitioner submitted his explanation on 12.06.2005 disputing the allegations and in fact sought for an enquiry to be conducted. But, without conducting an enquiry, the impugned order is passed fixing the liability against the petitioner and to recover the said amount at the rate of Rs.4,000/- per month from out of the salary of the petitioner. Aggrieved by the same, the petitioner has come up with the present writ petition.

The learned counsel for the petitioner contended that the third respondent is not entitled to fix the liability against the petitioner and to give a finding that the petitioner is responsible for the shortage of tools and plants without conducting a proper enquiry and adducing any evidence. Therefore, the order imposing a punishment of recovery of a sum of Rs.65,893/- is illegal and unsustainable.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

Prima facie, the impugned order passed by the third respondent without conducting a regular domestic enquiry and fixing the liability against the petitioner to the tune of Rs.65,893/- is illegal and unsustainable. Hence, the impugned order is set aside on that ground alone. However, it is left open to the third respondent to appoint an Enquiry Officer and conduct enquiry, if he so chooses. It is made clear that the amount, if any, already recovered from out of the salary of the petitioner shall be repaid to him.

The writ petition is accordingly disposed of. No costs.

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02.08.2005

VGB